

THE LAW OFFICES OF

STEVEN L. KESSLER

April 8, 2008

BY ECF AND FEDERAL EXPRESS

The Honorable Kevin Nathaniel Fox
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

**Re: *Kapiti v. Kelly et al.*
07 CV 3782 (RMB)**

Dear Magistrate Judge Fox:

This office represents plaintiff Mark Kapiti in the referenced proceeding.

Plaintiff respectfully requests that this Court schedule a conference, pursuant to Local Civil Rule 37.2, to resolve defendants' refusal to respond to plaintiff's First Set of Interrogatories. A copy of these requests is attached, together with all related subsequent correspondence between the parties. As the Court will see, defendants have failed to raise any substantive objection to the contents of plaintiff's Interrogatories. Further, defendants' failure to respond is delaying the completion of discovery in this case. As defendants have already been informed, plaintiff cannot determine the appropriate person(s) to depose until defendants respond to said Interrogatories, as the primary focus of the requests is to determine the existence of persons with knowledge of the facts underlying plaintiff's claims herein.

Accordingly, a pre-motion conference is respectfully requested.

Respectfully submitted,

Steven L. Kessler

Steven L. Kessler (SK-0426)

SLK:rmaf

Attachments A through E (by Fedex only)

cc: Counsel for defendants